

MINUTE ITEM

13. SALE OF VACANT FEDERAL LAND OBTAINED THROUGH THE USE OF BASE, LIEU LAND APPLICATION 4846, SACRAMENTO LAND DISTRICT, LAKE COUNTY, ERNEST M. MCKEE, SR., - S.W.O. 5403.

After consideration of Calendar Item 19 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

1. THE APPLICATION OF ERNEST M. MCKEE, SR., FOR THE PURCHASE OF THE $S\frac{1}{2}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 15, T. 11 N., R. 8 W., M.D.M., IS CANCELED FOR FAILURE TO MEET THE APPRAISED PRICE;
2. THE AMOUNTS DEPOSITED BY THE APPLICANT, LESS THE COSTS AND EXPENSES INCURRED TO DATE IN PROCESSING THE APPLICATION PLUS APPEAL COSTS IN THE SUM OF \$768.28, AS SHOWN BY MEMORANDA OF COSTS AND DISBURSEMENTS FILED IN THE MANDATE PROCEEDINGS, "MCKEE VS. STATE", ARE TO BE RETURNED TO THE APPLICANT; AND
3. THE SUBJECT LAND IS TO BE PLACED UPON THE LIST OF VACANT STATE SCHOOL LANDS FOR SALE IN LAKE COUNTY.

Attachment

Calendar Item 19 (1 page)

CALENDAR ITEM

19.

SALE OF VACANT FEDERAL LAND OBTAINED THROUGH THE USE OF BASE, LIEU LAND APPLICATION 4846, SACRAMENTO LAND DISTRICT, LAKE COUNTY, ERNEST M. MCKEE, SR., - S.W.O. 5403.

On November 3, 1951, Ernest M. McKee, Sr., applied to the State Lands Commission to purchase 440 acres of lieu land in Lake County, consisting of the $S\frac{1}{2}$, $W\frac{1}{2}$ of $NE\frac{1}{4}$, and $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 15, T. 11 N., R. 8 W., M.D.M., for \$2,200. Pursuant to Commission approval, this application was processed to the point where title to the subject land was transferred from the Federal Government to the State. An appraisal of the land and timber indicated a fair market value of \$100,100. After many extensions of time within which to meet the appraised value, the Commission, by action of March 11, 1957 (Minute Page No. 3036), granted a final additional 10 days from March 11, 1957 within which to submit the required amount of \$97,900 to meet the appraised value.

On March 14, 1957 the applicant filed a petition for writ of mandamus ("McKee vs. State", Lake County Superior Court Case No. 7283) to require the Commission to issue a certificate of purchase and to stay the Commission's demand for the additional \$97,900, pending decision on the question of the applicant's right to purchase the land at a lesser price. Upon trial of this matter, Judgment was in favor of the State Lands Commission. The applicant appealed the decision ("McKee vs. State" 3rd District Court of Appeals, Case No. 9556). On appeal the case was terminated in favor of the State Lands Commission and the applicant did not appeal further.

The time for deposit of the \$97,900 to meet the appraised value has expired. The applicant's attorney has requested that the amount of the State's costs of the Appeal in the amount of \$768.28, payable by the applicant pursuant to the Judgment, be deducted from the amount of the original purchase deposit held by the Commission.

IT IS RECOMMENDED:

1. THAT THE APPLICATION OF ERNEST M. MCKEE, SR., FOR THE PURCHASE OF THE $S\frac{1}{2}$, $W\frac{1}{2}$ OF $NE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 15, T. 11 N., R. 8 W., M.D.M., BE CANCELED FOR FAILURE TO MEET THE APPRAISED PRICE;
2. THAT THE AMOUNTS DEPOSITED BY THE APPLICANT, LESS THE COSTS AND EXPENSES INCURRED TO DATE IN PROCESSING THE APPLICATION PLUS APPEAL COSTS IN THE SUM OF \$768.28, AS SHOWN BY MEMORANDA OF COSTS AND DISBURSEMENTS FILED IN THE MANDATE PROCEEDINGS, "MCKEE VS. STATE", BE RETURNED TO THE APPLICANT; AND
3. THAT THE SUBJECT LAND BE PLACED UPON THE LIST OF VACANT STATE SCHOOL LANDS FOR SALE IN LAKE COUNTY.